

PATENT
Docket No. 2207/13056

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CENTRAL FAX CENTER

APPLICANT : Vedvyas SHANBHOGUE

OCT 03 2005

SERIAL NO. : 10/000,335

FILED : December 4, 2001

FOR : ROLLING SOFTWARE UPGRADES FOR FAULT TOLERANT SYSTEMS

GROUP ART UNIT : 2114

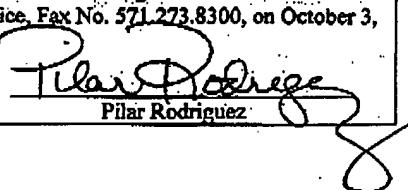
EXAMINER : Timothy M. BONURA

Mail Stop Petition

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this Appeal Brief is being facsimile transmitted to the Patent and Trademark Office, Fax No. 571-273-8300, on October 3, 2005.



**PETITION UNDER 37 C.F.R. 1.137(b)
TO REVIVE PATENT APPLICATION ABANDONED UNINTENTIONALLY**

SIR:

Applicant respectfully requests revival of the above-identified patent application as permitted under 37 C.F.R. § 1.137(b). The above-identified application became abandoned for failure to file a Notice of Appeal in response to the Final Office Action dated March 22, 2005. The six-month due date for a timely response was September 22, 2005. A response to the Final Office Action was filed properly, but an accompanying Notice of Appeal was inadvertently left out.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. The Notice of Appeal is being filed concurrently with this Petition.

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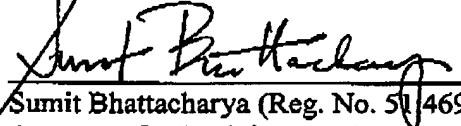
Serial No.: 10/000,335
Petition to Revive dated October 3, 2005

The petition fee for revival of an unintentionally abandoned patent application pursuant to 37 C.F.R. §1.17(m) is \$1,500.00. The Commissioner is authorized to charge the above fees to Kenyon & Kenyon Deposit Account No. 11-0600. The Commissioner is authorized to charge any additional, necessary fees for the revival of this case to Kenyon & Kenyon Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter regarding this petition.

Respectfully submitted,

KENYON & KENYON

Dated: October 3, 2005
By: 
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